

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

Criminal
No. 04-10165-RCL

TONY GOMES TEIXEIRA

PRETRIAL ORDER

After an Initial Pretrial Conference held on December 9, 2004, it is hereby ORDERED that:

1. Any motion to dismiss, suppress, sever, or other issue that must be resolved prior to trial to be filed by December 15 2004.
2. Trial shall commence on February 22, 2005, at 9:00AM.
3. The government shall by February 1, 2005, disclose to the defendant:
 - (a) The exculpatory information identified in Local Rule 116.2 that has not been previously produced; and
 - (b) A general description (including the approximate date, time, and place) of any crime, wrong, or act the government proposes to offer pursuant to Fed. R. Evid. 404(b).
4. Pursuant to the agreement of the parties, statements (as defined in 18 U.S.C. § 3500(e) and Fed. R. Crim. P. 26.2(f)) of witnesses each party intends to call in its or his case-in-chief shall be produced by February 1, 2005.
5. The parties shall file, by February 8, 2005, any request for special trial arrangements (e.g. requests for special equipment or demonstrative aids to be used in the courtroom; requests for a Daubert hearing; requests pertaining to jury voir dire and impanelment, requests for special arrangements required because of witnesses or defendants or required because of other circumstances that may affect the conduct of the trial).
6. Subject to the provisions of paragraph 5 of this order, the parties, shall by February 8, 2005, file in triplicate, proposed voir dire questions, proposed jury instructions, and any motions in limine

with supporting memoranda. Replies to any motion in limine shall be filed in triplicate by February 14, 2005.

By February 8, 2005 the government shall also file in triplicate a trial brief. By February 18, 2005 the defendant(s) shall file a trial brief if the defendant(s) anticipates the presentation of his (her, their, its) own case-in-chief or anticipates that the case will raise one or more unusual, difficult or otherwise important legal (including evidentiary) issues.

If any document required to be filed by this paragraph 6 is filed electronically, the filing party need only file one original of that document.

7. The government shall by February 14, 2005:

(a) Provide the defendant and the court with the names and addresses of witnesses the government intends to call at trial in its case-in-chief. If the government subsequently forms an intent to call any other witness, the government shall promptly notify the defendant and the court of the name and address of that prospective witness.

(b) Provide the defendant with copies of the exhibits and a premarked list of exhibits the government intends to offer in its case-in-chief. If the government subsequently decides to offer any additional exhibit in its case-in-chief, the government shall promptly provide the defendant with a copy of the exhibit and a supplemental exhibit list.

8. The defendant shall by February 18, 2005:

(a) Provide the government and the court with the names and addresses of the witnesses the defendant intends to call in his case-in-chief. If the defendant subsequently forms an intent to call any other witness in his case-in-chief, he shall promptly notify the government and the court of the name and address of that witness.

(b) Provide the government with copies of the exhibits and a premarked list of the exhibits the defendant intends to offer in his case-in-chief. If the defendant subsequently decides to offer any additional exhibits in his case-in-chief, he shall promptly provide the government with a copy of the exhibit and a supplemental exhibit list.

9. The parties shall by February 18, 2005, file a written stipulation of any facts that they agree are not in dispute.

10. The Second Pretrial Conference shall be held on February 18, 2005, at 3:00PM.

11. The following period(s) of time are excluded for Speedy Trial Act purposes, pursuant to 18 U.S.C. § 3161(h), for the reasons stated at the Initial Pretrial Conference: 12/9/04 - 2/22/05

/s/ Reginald C. Lindsay

UNITED STATES DISTRICT COURT